## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK MARGARET JOHNSON, s/Edward R. Korman Plaintiff. RECOMMENDATION & COST ٧. ORDER MEDISYS HEALTH NETWORK, et al, 10-CV-1596 (ERK) (VVP) Defendants. US DISTRICT COURT E.D.N.Y. JUN 1 0 2011 TABLE OF CONTENTS BACKGROUND..... Facts ..... II. Procedural History - 4 -DISCUSSION......5 -Motion to Remand - 5 -I. A. Motion For Total Remand -5 -Motion for Partial Remand - 6 -Motion to Dismiss -- 10 -II. Legal Standards on a Motion to Dismiss.....-11 -Claims 1 and 2: Breach of Contract and Implied Contract...... - 12 -В. Claims 3 and 4: Tortious Interference and Wrongful Discharge......-17 -Claims 5 and 17: Breach of Fiduciary Duty and Negligence..... - 19 -D. Claim 18: Violation of the Labor Law ......21 -F. Claim 19: Defamation -21 -G. H. Gender-Related Claims .... - 25 -1. 2. Claims 9 and 12: Quid Pro Quo Sexual Harassment -- 30 -3.

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